

## **APPENDIX A**

### **Notes on Preparation of the Country Reports and Explanatory Notes**

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials; victims of human rights abuse; academic and congressional studies; and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. The Department finds particularly helpful the role of NGOs, whether within a single country or those that have an international perspective. We cite NGO reports frequently within the Country Reports. While much of the information used is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources. The Department of State does not use sources or information it believes lack credibility.

The Country Reports cover respect for human rights in foreign countries and territories worldwide. They do not purport to assess human rights implications of actions taken by the U.S. government or its representatives.

To comply with the congressional requirement for the reporting of human rights practices, the Department provides guidance to U.S. diplomatic missions in August for submission in September and October of draft reports, which the Department updates by year's end. A wide spectrum of concerned offices in the Department of State provides contributions, and the Bureau of Democracy, Human Rights, and Labor prepares a final draft.

The report does not reflect developments that become known after the end of the calendar year. However, in the introduction to the reports, the Department may refer to major events or significant trends after the close of the calendar year.

The Department attempts to make the reports comprehensive, objective, and uniform in both scope and quality. We seek a high standard of consistency in the reports despite the multiplicity of sources and diversity of the countries, while emphasizing flexibility in style in the interest of readability. Streamlining begun with the 2011 reports reduced the number of reported abuses cases and extensive follow-up on old but open abuses cases. In the years since, the Reports select a few illustrative examples of abuse and adopt follow-up only on the previous year's high-profile open abuse cases.

Evaluating the credibility of reports of human rights abuses is difficult. Most governments and opposition groups deny that they commit human rights abuses and sometimes go to great lengths to conceal evidence of such acts. There may be

few eyewitnesses to specific abuses. Frequently, eyewitnesses are intimidated or prevented from reporting what they know. On the other hand, individuals and groups opposed to a government may have incentive to exaggerate or fabricate abuses. In similar fashion, some governments may distort or exaggerate abuses attributed to opposition groups. The Department has sought to identify those groups (for example, government forces) or individuals who all the evidence available indicates have committed human rights or other abuses. Many governments that profess to oppose human rights abuses in principle may in fact secretly order or tacitly condone abuses or may lack the will or ability to control those responsible for abuses. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government actually has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit abuses.

The Department has continued the effort from previous years to cover human rights problems affecting women, children, persons with disabilities, and indigenous people. The appropriate section of each country report discusses abuses targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 6, the reports discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, the gay, lesbian, bisexual and transgender community, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific sections in each country report are meant to provide an overview of the key problems covered and are not intended to be comprehensive descriptions:

Arbitrary or Unlawful Deprivation of Life: Includes killings ordered by governments or committed by government without due process of law or where there is evidence of a political motive. This section also includes killings by police or security forces and actions that resulted in the unintended death of persons without due process of law.

The section generally excludes combat deaths and killings by common criminals if the likelihood of political motivation can be ruled out. Deaths in detention due to adverse conditions are covered in detail under "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment." The Reports cover summary deaths at the hands of rebel forces in an optional Section 1.g. if there was a significant internal conflict.

Disappearance: Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classified as political killings because the bodies of missing persons are discovered would be covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered under “Arbitrary Arrest or Detention.”

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment: Covers torture (an act of intentionally inflicting severe pain, whether physical or mental) and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of government forces, including paramilitary forces, or by opposition groups. The section discusses actual occurrences, not whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading, including judicially sanctioned violent or abusive punishment. There also may be discussion of poor treatment that may not constitute torture or cruel, inhuman, or degrading treatment. The section also covers prison conditions and deaths in prison due to adverse conditions.

Arbitrary Arrest or Detention: Includes cases in which detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, are denied a public preliminary judicial hearing within a reasonable period. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial: Notes whether there is an independent judiciary free of corruption and whether trials are both fair and public (failure to hold any trial is noted in the section above). The subsection “Political Prisoners and Detainees” covers persons convicted, imprisoned, or detained essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge. The subsection “Civil Judicial Procedures and Remedies” notes whether there is access to an independent and impartial court to seek damages for or cessation of an alleged human rights violation. The optional subsection “Property Restitution” is included if there is a systemic failure of a government to enforce court orders with respect to restitution or compensation for the taking of private property under domestic law.

Arbitrary Interference with Privacy, Family, Home, or Correspondence: Includes government punishment of family members for alleged violations of law by

individuals and efforts to coerce or forbid membership in a political organization. This section discusses the right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example. It includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but it does not cover certain cultural or traditional practices, such as female genital mutilation, which are addressed in Section 6 under women's and children's issues.

Use of Excessive Force and Other Abuses in Internal Conflicts: Related only to countries experiencing significant internal conflict and describes abuses in that conflict. It includes indiscriminate, nonselective killings arising from excessive use of force or by the shelling of villages (deliberate, targeted killing of civilians is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"). This section also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate because there is no significant internal or external conflict, killings by security forces are discussed in the section on "Arbitrary or Unlawful Deprivation of Life." Nonlethal abuses are discussed in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment." Any use of child soldiers either by government forces or rebel groups is discussed in this subsection. Also covered are deliberate attacks on healthcare facilities, workers, ambulances, or patients, unless they commit or are used to commit hostile acts. The reports also require reporting of any restriction on medical facilities or services in a conflict zone where such facilities serve a humanitarian purpose.

Freedom of Speech and Press: Evaluates whether these freedoms exist and describes any direct or indirect restrictions. A subsection ("Internet Freedom") includes discussion of monitoring or restriction on the expression of opinion via the internet. Another subsection, entitled "Academic Freedom and Cultural Events," includes information on restrictions, intimidation, and censorship in these fields.

Freedom of Peaceful Assembly and Association: Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. It considers instances of government failure to provide permits or licenses for meetings and demonstrations, as well as information on the ability of trade associations, professional bodies, NGOs, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. Section 7, "Worker Rights" discusses the right of workers to associate, organize, and bargain collectively.

Freedom of Religion: Notes that all country reports have a hyperlink to the Department of State's *International Religious Freedom Report*. Examples of anti-Semitism are located in Section 6 under a separate subsection, appearing after Children and before Trafficking.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons: Discusses whether and under what circumstances governments exiled citizens; restricted foreign travel, especially for women; and revoked passports. It includes subsections on "Internally Displaced Persons (IDPs)" (if applicable), "Protection of Refugees," and "Stateless Persons" (if applicable). As defined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, refugees are persons outside their country of origin or, if stateless, outside their country of habitual residence who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who are unable or unwilling to avail themselves of the protection of that country. Under certain regional instruments, such as the Organization of African Unity convention governing the specific aspects of refugee problems in Africa, the term refugee may refer to persons displaced by civil strife, widespread violence, or natural disaster. The subsection "Protection of Refugees" reviews the government's extension of assistance and protection to refugees, including *refoulement*, the provision of temporary protection, support for voluntary repatriation, longer-term integration opportunities, and third-country resettlement. It also covers abuse and discrimination against refugees.

The subsection on stateless persons examines whether a country has habitual residents who are legally stateless (not recognized as nationals under the laws of any state) or de facto stateless (not recognized as nationals by any state even if these individuals have a claim to nationality under the laws of a particular state). The report reviews whether the government has implemented effectively laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection examines, among other matters, whether there is violence or discrimination against stateless persons in employment, education, housing, health services, marriage or birth registration, access to courts, or the owning of property.

Respect for Political Rights: The Right of Citizens to Change Their Government: Discusses the extent to which citizens have freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them. The subsection "Elections and Political Participation" assesses whether elections

were free and fair, including participation by women and minorities on an equal basis.

Corruption and Lack of Transparency in Government: Covers allegations of corruption in the executive, legislative, and judicial branches of government and actions taken to combat it. The section covers whether the public has access in law and practice to government information.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights: Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. The section also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. It reports on national human rights commissions, parliamentary commissions, relations with international war crimes tribunals, and truth or similar commissions.

Discrimination, Societal Abuses, and Trafficking in Persons: Contains subheadings on Women; Children; Anti-Semitism; Trafficking in Persons; Persons with Disabilities; Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity; and Other Societal Violence or Discrimination. If applicable, it also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, and Promotion of Acts of Discrimination. The section addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, healthcare, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups would be addressed under the appropriate preceding sections.)

The subsection “Women” discusses societal violence against women, such as dowry deaths, “honor killings,” wife beating, rape, female genital mutilation on those over age 18 (for younger girls it is covered in the subsection on “Children”), and government tolerance of such practices, as well as the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. A paragraph on reproductive rights reports on the basic right of couples

and individuals to decide freely and responsibly the number, spacing, and timing of their children.

The subsection “Children” discusses violence or other abuse against children, and, as applicable, access to education and health care, as well as other issues.

The subsection on “Anti-Semitism” discusses anti-Semitic abuses. The material was formerly under Section 2.c. on Religious Freedom, which now contains a hyperlink to the most recent *International Religious Freedom Report*. Within that report, there is also material on anti-Semitism.

The “Trafficking in Persons” subsection contains a hyperlink to the Department of State’s most recent *Trafficking in Persons Report*.

The subsection “Persons with Disabilities” covers discrimination against persons with physical or mental disabilities in, among other things, employment, education, and the provision of other government services. The subsection on “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity” notes laws criminalizing sexual orientation and reports on discrimination against gay, lesbian, bisexual, and transgender persons

Notes on the preparation of section 7, Worker Rights, are contained in Appendix B.

### **Explanatory Notes**

Occasionally the Country Reports on Human Rights Practices state that a country “generally respected” the rights of its citizens. The phrase “generally respected” is used because the protection and promotion of human rights is a dynamic endeavor. It cannot accurately be stated that any government fully respected these rights all the time without qualification in even the best of circumstances. Accordingly, “generally respected” is a standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and it is thus the highest level of respect for human rights assigned by this report.

In some instances, Country Reports use the word “Islamist,” which refers to a Muslim who supports Islamic values and beliefs as the basis for political and social life.

Since the Secretary of State designates foreign groups or organizations as foreign terrorist organizations (FTOs) on the FTO list, the reports describe as “terrorists” only those groups on the most current Department of State FTO list.

“Protection against *refoulement*” refers to whether the government refrained from expelling or returning a refugee in any manner to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group.

While the Country Reports describe facts relevant to human rights concerns, the reports do not reach conclusions of a legal character.